

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
*J*Joel Lawson, Associate Director Development Review
DATE: February 17, 2015

SUBJECT: BZA Case 18921 - request for variance relief pursuant to DCMR 11 § 3103.2 from the requirements regarding nonconforming structures (§ 2001.3) with respect to lot occupancy (§ 403.2) and accessory uses and buildings (§ 2500.3) to construct an addition to an existing single family dwelling at 640 Lexington Place NE.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the requested relief for a third floor addition to an existing nonconforming (§ 2001.3) single family dwelling at 640 Lexington Place NE:

- § 403.2, area variance for expansion of a nonconforming structure (60 % maximum lot occupancy permitted, 73.5 % existing and proposed); and
- § 2500.3, area variance relief for nonconforming accessory building in the rear yard (30 % permitted, 57 % existing and proposed).

II. LOCATION AND SITE DESCRIPTION

Address	640 Lexington Place NE
Legal Description	Square 862, Lot 139
Ward	6C
Lot Characteristics	The property is rectangular in shape. The southern property line abuts Lexington Place NE and the northern property line abuts a 12-foot improved alley.
Zoning	R-4 – detached, attached, semi-detached, single family dwellings and flats.
Existing Development	Three-story row dwelling, permitted in this zone.
Historic District	Capitol Hill Historic District
Adjacent Properties	The surrounding neighborhood is residential in character.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Eric Peterson, architect, agent on behalf of Peter Grimm and Kelly Jones, owners.
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Proposal	The applicant proposes to construct a third floor addition to expand an existing attic.
Relief Sought	Variance relief pursuant to § 3103.2 from the requirements regarding expansion of a nonconforming structure (§ 2001.3) with respect to lot occupancy (§ 403.2) and accessory uses and buildings (§ 2500.3).

IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed ¹	Relief
Height (ft.) § 400	40 ft. max.	31.6 ft.	32.4 ft.	None required
Lot Width (ft.) § 401	18 ft. min.	20 ft.	No change	None required
Lot Area (sq. ft.) § 401	1,800 sq. ft. min.	1,618.4 sq. ft.	No change	None required
Floor Area Ratio § 401	None prescribed			None required
Lot Occupancy § 403	60 % max.; 70 % by special exception	73.5 %	73.5 %	Existing nonconforming – 13.5 %
Rear Yard (ft.) § 404	20 ft. min.	34.4 ft.	No change	None required
Accessory Building § 2500.3	30 % max.	57 %	57 %	Existing nonconforming accessory building – 27 %

V. OP ANALYSIS

The Applicant is requesting variance relief under § 3103.2 from the requirements regarding expansion of a nonconforming structure (§ 2001.3) with respect to lot occupancy (§ 403.2) and accessory uses and buildings (§ 2500.3) to construct a third floor addition to an existing single family dwelling.

a. Variance Relief from § 403, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

The need for the variance relief arises from the proposed expansion of the existing attic space. The proposed addition would not exceed the original building footprint. The existing house and accessory detached garage on the property are nonconforming, pre-date the 1958 Zoning Regulations, and exceed the permitted lot occupancy by 13.5 %. Unless the applicant was to substantially reduce the footprint of the existing structure or demolish the detached garage, which would be a practical difficulty, any addition to the subject dwelling would require a variance to lot occupancy.

¹ Information provided by applicant.

ii. No Substantial Detriment to the Public Good

The proposed addition to the subject dwelling would not increase the existing lot occupancy or the footprint of the building. The building height would remain in conformance with the provisions of the R-4 zone. The proposed addition would have a dormer window at the rear of the property and the existing rubber membrane roof would be extended. The Historic Preservation Review Board (HPRB) reviewed and approved the proposed addition (Case Number 14-218) at its April 24, 2014 meeting. The addition proposed in the subject application is consistent with the HPRB approval. The applicant has submitted three letters in support from surrounding neighbors.

iii. No Substantial Harm to the Zoning Regulations

The proposed addition would not extend beyond the footprint of the subject dwelling, which occupies 39.5 % of the lot. The proposed addition would not increase the existing nonconforming lot occupancy of the subject property, which includes a large detached garage that pre-dates zoning and occupies 21 % of the lot and 57 % of the required rear yard.

b. Variance Relief from § 2500.3, Accessory Uses and Buildings

i. Exceptional Situation Resulting in a Practical Difficulty

The existing accessory building on the property, a detached garage, which predates Zoning, exceeds the maximum permitted lot occupancy for accessory buildings in the required rear yard (30 % permitted, 57 % existing and proposed). It would be a practical difficulty for the applicant to reduce the footprint of the accessory building to bring it in to compliance with the Zoning Regulations.

ii. No Substantial Detriment to the Public Good

The accessory building has been in existence on the property since before zoning and the applicant is not proposing any modifications to the structure as part of the subject application. The applicant has submitted three letters in support from surrounding neighbors.

iii. No Substantial Harm to the Zoning Regulations

The proposed addition, along with the existing accessory building, would not increase the existing nonconforming lot occupancy of the subject property.

VI. COMMUNITY COMMENTS

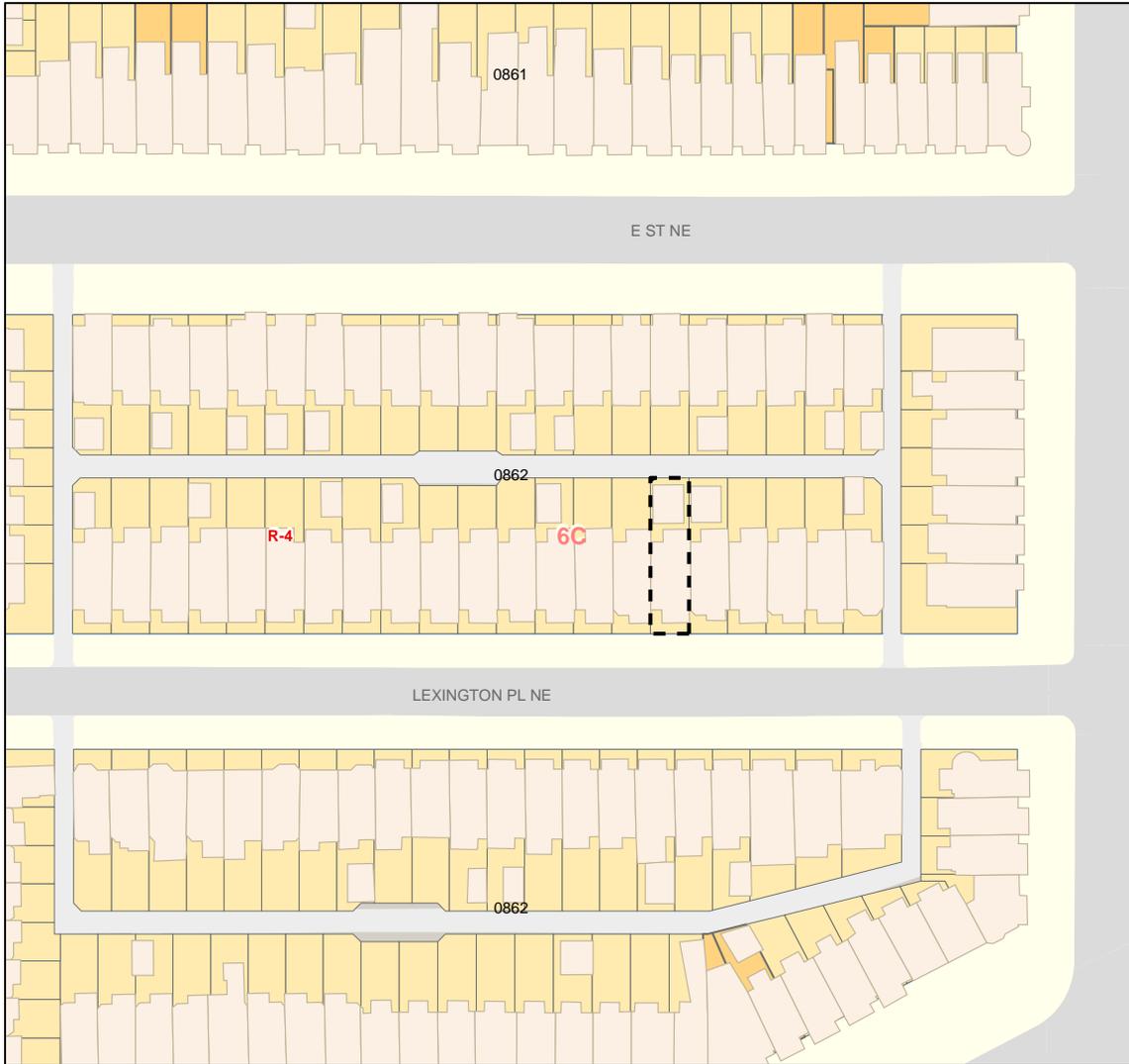
The Planning, Zoning and Economic Development Committee of ANC 6C voted at its February 4, 2015 meeting to support the requested zoning relief.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) had not provided comments on the subject application at the time this report was written.

Attachments:

1. Location map



Location: 640 Lexington Street NE